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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,713	12/05/2003	Juan F. Valdez	1-23716	1743

27210 7590 03/14/2007
MACMILLAN, SOBANSKI & TODD, LLC
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EXAMINER

HONG, JOHN C

ART UNIT	PAPER NUMBER
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3726

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/728,713	VALDEZ, JUAN F.	
	Examiner	Art Unit	
	JOHN C. HONG	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 12, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9-11, 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4,8,12,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of La Rocca (U.S. Patent 5618453).**

Regarding Claim(s) 1, AAPA as found on page 2, lines 4-18 of the specification, discloses a method for securing a body mount support bracket to a portion of a vehicle body and frame assembly comprising the steps of: providing a body mount support bracket; securing the body mount support bracket to a portion of a vehicle body and frame assembly.

AAPA fails to teach the steps of creating internal stresses within the body mount support bracket and securing the body mount support bracket to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein.

La Rocca teaches the step of creating internal stresses within the body mount support bracket; securing the body mount support bracket to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein (col.1, lines 38-49).

La Rocca teaches that it is well known in the art of vehicle assembly that parts that do not fit together perfectly are often forced into alignment in order to complete assembly, and this process creates internal stresses within the parts and maintained **even though these stresses are not desirable**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, in case where the body mount support bracket does not fit perfectly with the vehicle body, would find it obvious to employ the step of forcing the parts into alignment so as to assemble together even it **creates internal stresses within** the body mount support bracket and **maintains the internal stresses therein**, as taught by La Rocca on the method of AAPA so as to secure a body mount support bracket to a portion of vehicle body.

Regarding Claim(s) 2, AAPA teaches the step of providing a body mount support bracket including a central body portion having a pair of leg portions depending therefrom (page 2, lines 4-18).

Regarding Claim(s) 3, AAPA teaches the step of providing the central body portion with an aperture therethrough (page 2, lines 4-18).

Regarding Claim(s) 4, AAPA teaches the step of providing leg portions that extend from the central body portion and diverge apart from one another (page 2, lines 4-18)..

Regarding Claim(s) 8, AAPA teaches the step of providing leg portions that extend from the central body portion generally parallel to one another (page 2, lines 4-18).

Regarding Claim(s) 12, AAPA teaches the step of providing leg portions that extend from the central body portion and converge toward one another (page 2, lines 4-18).

Regarding Claim(s) 16, AAPA teaches the step of securing the body mount support bracket to a portion of a vehicle body and frame assembly by one of welding and adhesives (page 2, lines 4-18).

Regarding Claim(s) 17, AAPA as found on page 2, lines 4-18 of the specification, discloses : a method of manufacturing a vehicle body and frame assembly comprising the steps of: providing a frame portion; securing a body mount support bracket to a portion of the frame portion by providing a body mount support bracket; and securing the body mount support bracket to a portion of a vehicle body and frame assembly; providing a body portion having a body mount; and supporting the body mount of the body portion on the body mount support bracket of the frame portion to provide a vehicle body and frame assembly.

AAPA fails to teach the steps of creating internal stresses within the body mount support bracket and securing the body mount support bracket to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein.

La Rocca teaches the step of creating internal stresses within the body mount support bracket; securing the body mount support bracket to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein (col.1, lines 38-49).

La Rocca teaches that it is well known in the art of vehicle assembly that parts that do not fit together perfectly are often forced into alignment in order to complete assembly, and this process creates internal stresses within the parts and maintained **even though these stresses are not desirable**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, in case where the body mount support bracket does not fit perfectly with the vehicle body, would find it obvious to employ the step of forcing the parts into alignment so as to assemble together even it **creates internal stresses within** the body mount support bracket and

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maintains the internal stresses therein, as taught by La Rocca on the method of AAPA so as to secure a body mount support bracket to a portion of vehicle body.

Allowable Subject Matter

3. Claims 5-7,9-11,13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 9/28/06 have been fully considered but they are not persuasive. See the new Office action.

According to the claim language of the Application, it just mentions the steps of **creating internal stresses within** the body mount support bracket (sheet metal parts) and **maintain the internal stresses therein**.

La Rocca teaches that it is well known in the art of vehicle assembly that parts that do not fit together perfectly are often forced into alignment **in order to complete assembly**, and this process **creates internal stresses** within the parts and maintained **even though these stresses are not desirable**.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on M-F 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'John C Hong', with a stylized flourish at the end.

JOHN C HONG
Primary Examiner
Art Unit 3726

jh
March 3, 2007